

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Alexandria Division

In re:

STUART PROPERTY, LLC,

Debtor.

Case No. 09-11907-RGM  
(Chapter 11)

**MEMORANDUM OPINION**

THIS CASE is before the court on the application of Stuart Property, LLC, for authority to employ Christopher S. Moffitt to represent it in this case.

Orders for employment are governed by Local Bankruptcy Rule 2014-1 which requires service of the motion, declaration, and proposed order on the United States Trustee; any trustee appointed under 11 U.S.C. §1104; any committee of unsecured creditors appointed pursuant to 11 U.S.C. §1102, or if no committee is appointed, the creditors included on the list filed under Federal Rule of Bankruptcy Procedure 1007(d); all secured creditors; and all other entities as the court may direct. In this instance, there is no certificate of service showing that the motion, declaration, and proposed order were served as required by LBR 2014-11.

The court further notes that the order contains a certification at the end purportedly pursuant to Local Bankruptcy Rule 9022-1(C). The certification concludes simply that “the foregoing Order was endorsed by/or served upon all necessary parties pursuant to Local Rule 9022-1(C)”. This certification is not adequate. LBR 9022-1(C) provides that all proposed orders contain a certification by the proponent that all necessary parties have endorsed the order or a certification that the proposed order was served on all necessary parties and “indicating upon whom served and the date and the manner of such service”. LBR 9022-1(C)(2). The blanket statement in the proposed

order does not satisfy the requirement of showing which parties were served and the manner in which they were served.

Counsel must notice the application for employment together with the declaration and proposed order in accordance to LBR 2014-1 and modify his certification on the proposed order.

Alexandria, Virginia  
July 27, 2009

/s/ Robert G. Mayer  
Robert G. Mayer  
United States Bankruptcy Judge

Copy electronically to:

Christopher S. Moffitt

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